

# PATENT COOPERATION TREATY

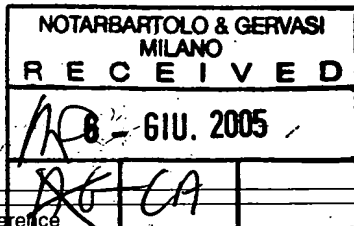
Rec'd PCT/PTO 17 JUN 2005

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

To:

GERVASI, Gemma,  
Notarbartolo & Gervasi S.p.A.  
Corso di Porta Vittoria 9  
I-20122 Milan  
ITALIE



## NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Rule 71.1)

Date of mailing

(day/month/year)

01.06.2005

Applicant's or agent's file reference  
3856PTWO/er

### IMPORTANT NOTIFICATION

International application No.  
PCT/IB 03/06245

International filing date (day/month/year)  
17.12.2003

Priority date (day/month/year)  
18.12.2002

Applicant  
AGOSTINELLI, Paolo

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

#### 4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international  
preliminary examining authority:



European Patent Office - P.B. 5818 Patentlaan 2  
NL-2280 HV Rijswijk - Pays Bas  
Tel. +31 70 340 - 2040 Tx: 31 651 epo nl  
Fax: +31 70 340 - 3016

Authorized Officer

Delmon, G.



Tel. +31 70 340-2525



## PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT  
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 3856PTWO/er		<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/B 03/06245	International filing date (day/month/year) 17.12.2003	Priority date (day/month/year) 18.12.2002	
International Patent Classification (IPC) or both national classification and IPC H01B1/02			
Applicant AGOSTINELLI, Paolo			
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 7 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of sheets.</p>			
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the opinion</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>			
Date of submission of the demand  15.07.2004		Date of completion of this report  01.06.2005	
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016		Authorized Officer  Lehnert, A  Telephone No. +31 70 340-4234 	

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. **PCT/IB 03/06245**

**I. Basis of the report**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

**Description, Pages**

1-4 as originally filed

**Claims, Numbers**

1-10 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).  
☐ the language of publication of the international application (under Rule 48.3(b)).  
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority in written form.  
☐ furnished subsequently to this Authority in computer readable form.  
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.  
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:  
☐ the claims, Nos.:  
☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to the report.)

6. Additional observations, if necessary:

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. **PCT/B 03/06245**

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability, citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Yes: Claims	3, 6, 7, 9, 10
	No: Claims	1, 2, 4, 5, 8
Inventive step (IS)	Yes: Claims	3
	No: Claims	1, 2, 4-10
Industrial applicability (IA)	Yes: Claims	1-10
	No: Claims	

**2. Citations and explanations**

**see separate sheet**

**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

Reference is made to the following documents:

D1: PATENT ABSTRACTS OF JAPAN vol. 0101, no. 72 (C-354), 18 June 1986 (1986-06-18) & JP 61 023737 A (NIPPON KOGYO KK; others: 01), 1 February 1986 (1986-02-01)

D2: US-A-4 524 241 (BINDER GERMAINE ET AL) 18 June 1985

D3: DD 220 915 A (MANSFELD KOM W PIECK FI F NE M) 10 April 1985

D4: PATENT ABSTRACTS OF JAPAN vol. 0103, no. 57 (M-540), 2 December 1986 (1986-12-02) & JP 61 154790 A (TOSHIBA CORP), 14 July 1986

D5: US-A-4 314 230 (CARDINAL RAYMOND F ET AL) 2 February 1982

D6: US-B1-6 399 885 (AGOSTINELLI PAOLO) 4 June 2002

**1. Novelty**

The applicant states in his letter of 16.12.2004 that the invention is related to wire coated with an alloy of the composition as claimed in the application. However, claim 1 refers to an electric wire consisting of a metal able to conduct the current, "the outer surface of which is covered in a layer of alloy containing tin, antimony and copper.

However, all wires having such an alloy on the outer surface, fall under the definition of claim 1, even if they consist completely of the alloy material and do not show any layer structure.

Thus, all wires comprising an alloy on the outer surface, as disclosed in documents D1-D6, are novelty destroying for the claims discussed below.

1.1.

Document D1 (see abstract) discloses a copper wire comprising an alloy of Cu, Sb and Sn. Consequently, the subject-matter of claims 1, 4 and 5 is not novel (Article 33(2) PCT).

1.2.

Document D2 (see examples I and II) discloses the coating of a copper wire with an alloy of lead, tin and silver. The subject-matter of claim 5 is not novel (Article 33(2) PCT).

1.3.

Document D3 (see abstract) discloses a wire comprising an alloy containing 80-90% of tin, 6-10% of antimony and 4-7% of copper. Thus, the subject-matter of claims 1, 2 and 4 is not novel (Article 33(2) PCT).

1.4.

Document D4 (see abstract) discloses a wire comprising an alloy of 8-10% antimony, 5-6% of copper and the balance of tin. Consequently, the subject-matter of claims 1 and 2 is not novel (Article 33(2) PCT).

1.5.

Document D5 (see column 6, lines 18-20) discloses a wire comprising an alloy of Cu, Sb and Sn. Consequently, the subject-matter of claims 1 and 2 is not novel (Article 33(2) PCT).

1.6.

Document D6 (cited by the applicant) discloses an audio signal cable. The

subject-matter of claim 8 is not novel (Article 33(2) PCT).

## 2. Inventive Step

### 2.1.

Document D2 (see examples I and II) discloses the coating of a copper wire with an alloy of lead, tin and silver. The subject-matter of claim 6 differs from this state of the art in that the process claimed in claim 6 is used to produce a wire coated with a different molten alloy.

However, there is no technical effect related to this difference. Hence, the remaining problem to be solved is to provide an alternative process.

It would be obvious for the skilled person, starting from D2 and trying to apply the process for other alloys to try out the alloys known from documents D1, D4, or D5, without the exercise of inventive skill.

Thus, the subject-matter of claim 6 is not inventive (Article 33(3) PCT).

### 2.2.

Claims 7, 9, and 10 refer to the use of a wire according to claims 1-5 for the production of cables for various uses.

As discussed above, such wires are not novel. The applicant did not show a technical effect over the prior art concerning the subject-matter of claims 7, and 10.

Hence, without any evidence demonstrating a surprising effect arising from the above identified differences over the prior art of the claimed methods an inventive step cannot be acknowledged for these claims 7, 9 and 10 (Article 33(3) PCT).

**2.3.**

Claim 3 discloses an alloy which has not been used in the outer surface of a wire so far.

The special composition disclosed in claim 3 might thus fulfil the criteria of the PCT with regard to novelty and inventive step because it discloses a non-obvious alternative, from which the skilled person would not select without the exercise of inventive skill.

**Re Item VIII**

**Clarity**

The subject-matter of claim 5 is unclear because this claim refers back to claim 5. Thus, the dependency is not clear in contrast to the requirements of Article 6 PCT.